

REMARKS

The present amendment is in response to the Office Action mailed December, 05, 2001 in the above-referenced case. Claims 1-16 were presented for examination. Claims 1-16 are rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent 5,345,430, hereinafter referred to as Moe.

The applicant has carefully studied the art of Moe, and the Examiner's remarks. Applicant herein has amended certain claims and canceled other claims as well as submitted new claims in effort to more particularly point out the subject matter now regarded as patentable by the applicant after reviewing the examiner's reasons for rejection. Claims 5 through 16 are herein canceled. Applicant submits new claims 17 through 22 for examination. The applicant believes the amendments made to claims 1-4 and 17-22 overcome the art of Moe presented by the Examiner as grounds for anticipation under U.S.C 102(b).

The art of Moe fairly teaches a radio apparatus, which could also be a television having circular or perpetual recording capability and storage capability of contents of a circular write able memory. However, Moe does not teach any capability for identifying and treating specific blocks within the recorded media of short term memory for instant playback or selective storage. Moe, instead teaches a recover button (column 4, lines 47-68) that is used to download an entire content of short term memory to a permanent storage.

Regarding independent claim 1, applicant herein amends the claim, adding the patentable limitation of a flag-set for identifying and treating specific blocks of media within a larger block of media in the short term storage. Because claim 1 is now patentable over the art of Moe, dependent claims 2-4 as amended are now also patentable.

Claims 5- 16 are herein deleted. Claims 17-22 are herein submitted for

examination.

It is clear to the Applicant that the art of Moe now cannot be applied to reject Applicant's claimed invention, as amended. As all of the claims now standing for examination as amended have been shown to be patentable over the art of Moe, the applicant respectfully requests the art of Moe be withdrawn by the Examiner and that the present case be passed quickly to issue.

If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Versions With Markings to Show Changes Made

In the claims:

1. A perpetual recording device coupled with a conventional [radio apparatus]
media presentation device comprising:

[tuning circuitry for selecting a channel from an input rf spectrum]

an input port for accepting data from the media presentation device;

at least one recording mechanism associated with at least one data store

facility for recording and optional transfer of the recorded media for store;

a user interface for controlling functions of data transfer, store, and

playback of recorded data; and

[an output for driving a speaker system with an audio presentation derived
from the selected channel; and]

a user input on the user interface for inserting a flag set into the recorded
data, the flag-set searchable and usable as indicia for beginning and/or ending a
playback session or for selecting a data portion of the recorded data for permanent
storage

[a recording apparatus having a memory with capacity for recording a
fixed time duration T of the audio presentation, and adapted to make an audio
record sequentially in a circular fashion, such that when the memory capacity is
filled, the device continues to record, overwriting the oldest recorded information,
providing thereby, at any point in time, a stored copy of time duration T
immediately preceding the point in time].

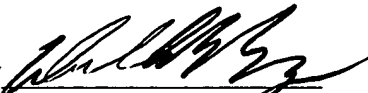
2. The [radio apparatus] perpetual recording device of claim 1 wherein the [recording apparatus comprises a tape recorder adapted to record in a circular fashion] media presentation device comprises one of an RF radio or a television.

3. The [radio apparatus] perpetual recording device of claim [1] 2 further comprising an [A/D] analog to digital converter, and wherein the at least one [memory] data store is a writable digital memory accepting data writes [managed to record sequentially in a circular fashion, and the audio presentation is presented at the speakers and simultaneously digitized and recorded in the digital memory] comprising digitally recorded media.

4. The [radio apparatus] perpetual recording device of claim 1 [further comprising user-operable inputs for interrupting circular recording, selecting beginning positions for playback, and playing back the recorded data] wherein the flag-set denotes one of a complete song, or a block of completed songs.

Respectfully Submitted,

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